REMARKS

With regard to the requirement for restriction which is the only point raised in the Official Action, Applicant hereby provisionally elects to prosecute Group I, covering claims 1-10, with traverse, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Group II.

Applicant believes that the elected apparatus claims 1-10 are so closely related to the non-elected process claims 11-15, that they should remain in the same application to preserve unity of invention. The instant patent application is based on an international PCT application, whereby during the examination of this international patent application, the unity of the invention was not disputed.

In general, unity of the invention between different groups of claims exists if these groups have a single general inventive concept. In those applications which contain a group of claims directed to a process and a group of claims directed to an apparatus, unity exits if the apparatus is specifically designed for carrying out the process with the technical relationship being present between the claimed apparatus and the claimed process (cf. M.P.E.P., Section 1893.03(d), page 1800-121). The fact that the apparatus may be applicable for carrying out another process is immaterial with respect to the question of unity. It is also immaterial whether, as the Examiner opined, the apparatus claims lack a certain element of the method claims, or vice versa.

In the case at hand, both the apparatus claims and the method claims have a common inventive concept, relating to the distribution of a coolant essentially uniformly in a circumferential direction of a magnet arrangement. In this context, the Examiner's attention is drawn to the M.P.E.P. Appendix AI, relating to the Administrative Instructions under the PCT, and in particular to the Annex B, Part 2, showing examples of unity of invention. Please note also that the apparatus claims virtually track the method claims in terms of apparatus used to carry out the method.

Considering the subject matter of claim 1 and 11, it is applicant's contention that the Examiner does not have a serious burden in examining both inventions in one application and there is no need to insist upon restriction.

It is believed that the Examiner is trying to draw too fine a line of distinction and that when all the various facts are taken into account, all claims on file should be examined on the merits. In any event, Group I and hence claims 1-10 are entitled to action on the merits.

Respectfully submitted,

By: _____
Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: November 30, 2007
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:af